

Serial No. 09/937,193
Art Unit: 1711

REMARKS/ARGUMENTS

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 19-34 have been rejected under 35 U.S.C. § 102(b) as being anticipated by CA 2,147,543. Applicants overcome this rejection by amending claim 19 to more specifically identify certain claim elements. Claim 19 as amended is not anticipated by CA 2,147,543. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983). The '543 patent does not recite each and every element of claim 11 arranged as in the claim. More specifically, while the '543 patent teaches a cellular polyurethane prepared from a polyisocyanate (page 3, line 22) for example diphenylmethane diisocyanate (page 5, line 13) and tolylene diisocyanate (page 7, line 27) and a carboxylic acid (page 4, line 1 and page 6, lines 12-18), it fails to teach a filler mixture comprised of an inorganic, high temperature resistant filler selected from the group consisting of calcium carbonate, calcium sulfate, clay, aluminum oxide, aluminum silicate and magnesium oxide; a micropore-forming, a high temperature resistant filler selected from the group consisting of expanded perlite and vermiculite, expanded clay, hollow beads of aluminum silicate, glass and/or fly-ash, cellular concrete, expanded waterglass and combinations thereof; a heat-activatable swelling agent selected from the group consisting of native vermiculite and native perlite, expanded graphite, sodium or potassium waterglass and combinations thereof and in arranged in the order that they appear in claim 19.

The '543 patent lacks any teaching that the claimed foam can contain calcium carbonate, calcium sulfate, clay, aluminum oxide, aluminum silicate or magnesium oxide or that any of these compounds could be used as an inorganic, high temperature resistant filler.

Since CA 2,147,543 does not disclose each and every element of the claimed invention arranged as in claims 19-26, 28-30 and 32-34 as amended, CA 2,147,543 does not anticipate claims 19-26, 28-30 and 32-34.

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It is believed that the foregoing reply is completely responsive under 37 CFR 1.111 and that all grounds of rejection and objection have been completely overcome or obviated. It is believed that claims 19-26, 28 and 30-34 are in condition for allowance and a notice of allowance is respectfully requested.

Respectfully submitted,



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